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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,647

Applicant(s)

HILLIS ET AL.

Examiner

Arpan P. Savla

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
- Paper No(s)/Mail Date 8/29/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office action is in response to Applicant's communication filed February 11, 2008 in response to the Office action dated April 26, 2007. Claims 1-50 are pending in this application.

ACKNOWLEDGMENT OF REFERENCES CITED BY APPLICANT

Information Disclosure Statement

1. As required by MPEP § 609(c), Applicant's submission of the Information Disclosure Statement dated July 29, 2008 is acknowledged by the Examiner and some of the cited references have been considered in the examination of the claims now pending. As required by MPEP § 609 c(2), a copy of the PTOL-1449 initialed and dated by the Examiner is attached to the instant Office action.
2. Reference AA was not considered because this reference was originally cited by the Examiner on the PTO-892 (Notice of References Cited) sheet which was part of the Office Action dated October 20, 2006.

OBJECTIONS

Specification

3. In view of Applicant's amendment, the objection to the abstract has been withdrawn.

4. The disclosure is objected to because it contains an embedded hyperlink on page 2 of the communication filed January 25, 2007 (this page presents a new paragraph Applicant wishes to amend into the specification). Applicant is required to delete the embedded. See MPEP § 608.01.

REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

7. **As per claims 1-25**, the claims are directed towards a process. In order for process claims to be statutory, the claims must be (1) tied to a particular machine or apparatus or (2) transform a particular article to a different state or thing (this is called the "machine-transformation test"). See *In re Bilski*, 545 F.3d 943, 961-62 (Fed. Cir. 2008). However, claims 1-25 are neither tied to a particular machine or apparatus nor transform a particular article to a different state or thing. It should also be noted that merely transmitting data is not sufficient to pass the test. Therefore, the process of claims 1-25 is directed to non-statutory subject matter.

8. **As per claims 26-50**, the claims are not limited to tangible embodiments. Based on pages 4 and 19-21 of Applicant's specification, the "system" can be embodied as entirely software, per se, thus lacking hardware necessary to realize the software's

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functionality. Therefore, the system of claims 26-50 simply represents functional descriptive material and is thus non-statutory subject matter.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-6, 12-18, 21-31, 37-43, and 46-50** are rejected under 35 U.S.C.

103(a) as being unpatentable over Jaeger (U.S. Patent 6,345,028) in view of "IEEE 100: The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition" (hereinafter "IEEE").

11. **As per claim 1**, Jaeger discloses a method comprising:

obtaining one or more temporal addresses corresponding to the at least one specific content (col. 5, lines 49-63; Fig. 1); *It should be noted that the "time stamps" are analogous to the "temporal addresses."*

and selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses (col. 6, lines 49-63; Fig. 2). *It should be noted that the re-ordered audio/video/data tracks/signals being streamed from the RAM buffer are analogous to the "spatial-to-temporal translated data."*

Jaeger does not explicitly disclose receiving a request for at least one specific content.

IEEE discloses disk read I/O transactions are composed of transaction initiations (i.e. requests) (pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the record/playback apparatus receive a playback request so that the incremental temporal segments of each recorded track are read from the disk in response to the playback request. The motivation for doing so would have been to prevent playback at times when the disk drive and/or RAM buffer are not ready to handle the reading and/or writing of data frames.

12. **As per claim 2**, the combination of Jaeger/IEEE discloses said receiving a request for at least one specific content further comprises:

receiving a request for at least a portion of recorded video (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

13. **As per claim 3**, the combination of Jaeger/IEEE discloses said receiving a request for at least one specific content further comprises:

receiving a request for at least a portion of recorded audio (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

14. **As per claim 4**, the combination of Jaeger/IEEE discloses said receiving a request for at least one specific content further comprises:

receiving a request for at least a portion of recorded video and recorded audio (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

15. **As per claim 5**, the combination of Jaeger/IEEE discloses said receiving a request for at least one specific content further comprises:

receiving a request for at least a portion of at least one of computer processable and network processable data (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)"). *It should be noted that audio, video, and data tracks are all both computer processable data as well as network processable data.*

16. **As per claim 6**, the combination of Jaeger/IEEE discloses obtaining one or more temporal addresses corresponding to the at least one specific content, in response to the request for the at least one specific content further comprises:

associating the specific content with one or more times of one or more transmitted data portions (Jaeger, col. 5, lines 52-63, Fig. 1). *It should be noted that the "100 ms segments" are analogous to "one or more times."*

17. **As per claim 12**, the combination of Jaeger/IEEE discloses said associating the specific content with one or more times of one or more transmitted data portions further comprises:

associating the specific content with at least one absolute time associated with a clock (Jaeger, col. 5, lines 52-54, Fig. 1). *It should be noted that "100 ms" is an*

absolute time. It should also be noted that it is required the "100 ms" be associated with a clock.

18. **As per claim 13**, the combination of Jaeger/IEEE discloses said associating the specific content with at least one absolute time associated with a clock further comprises:

associating the specific content with at least one time associated with at least one of an atomic clock, a global clock, a relative clock, a transmitted clock, and/or a number of ticks relative to some specified received data (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 12 above.*

19. **As per claim 14**, the combination of Jaeger/IEEE discloses said associating the specific content with at least one absolute time associated with a clock further comprises: associating the specific content with at least one absolute time associated with a transmitted clock (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 12 above.*

20. **As per claim 15**, the combination of Jaeger/IEEE discloses said associating the specific content with one or more times of one or more transmitted data portions further comprises:

associating the specific content with at least one relative time (Jaeger, col. 5, lines 52-54, Fig. 1). *It should be noted that "100 ms" is also a relative time.*

21. **As per claim 16**, the combination of Jaeger/IEEE discloses said associating the specific content with at least one relative time further comprises:

associating the specific content with at least one time relative to a received marker (Jaeger, col. 5, lines 52-54, Fig. 1). *It should be noted that the end of a "100 ms segment" is analogous to the "received marker."*

22. **As per claim 17**, the combination of Jaeger/IEEE discloses said associating the specific content with at least one relative time further comprises:

associating the specific content with at least one time of a first and/or second received marker (Jaeger, col. 5, lines 52-54, Fig. 1). *It should be noted that the beginning of a "100 ms segment" is analogous to the "first received marker" and the end of a "100 ms segment" is analogous to the "second received marker."*

23. **As per claim 18**, the combination of Jaeger/IEEE discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting at least a portion of cyclically transmitted data in response to the one or more temporal addresses (Jaeger, col. 6, lines 49-63, Fig. 2). *It should be noted that the re-ordered audio/video/data tracks/signals are recorded tracks from a disk drive and therefore must be cyclically transmitted data.*

24. **As per claim 21**, the combination of Jaeger/IEEE discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having file-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

25. **As per claim 22**, the combination of Jaeger/IEEE discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having disk-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

26. **As per claim 23**, the combination of Jaeger/IEEE discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having tape-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

27. **As per claim 24**, the combination of Jaeger/IEEE discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having substantially static-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

28. **As per claim 25**, the combination of Jaeger/IEEE discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having object-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

29. **As per claim 26**, Jaeger discloses a system comprising:

means for obtaining one or more temporal addresses corresponding to the at least one specific content (col. 5, lines 52-63; Fig. 1); *See the citation note for the similar limitation in claim 1 above.*

and means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses (col. 6, lines 49-63; Fig. 2). *See the citation note for the similar limitation in claim 1 above.*

Jaeger does not explicitly disclose means for receiving a request for at least one specific content.

IEEE discloses disk read I/O transactions are composed of transaction initiations (i.e. requests) (pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

At the time of the invention it would have been obvious to a person of ordinary skill in the art to have the record/playback apparatus receive a playback request so that the incremental temporal segments of each recorded track are read from the disk in response to the playback request. The motivation for doing so would have been to prevent playback at times when the disk drive and/or RAM buffer are not ready to handle the reading and/or writing of data frames.

30. **As per claim 27**, the combination of Jaeger/IEEE discloses said means for receiving a request for at least one specific content further comprises:

means for receiving a request for at least a portion of recorded video (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

31. **As per claim 28**, the combination of Jaeger/IEEE discloses said means for receiving a request for at least one specific content further comprises:

means for receiving a request for at least a portion of recorded audio (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

32. **As per claim 29**, the combination of Jaeger/IEEE discloses said means for receiving a request for at least one specific content further comprises:

means for receiving a request for at least a portion of recorded video and recorded audio (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)").

33. **As per claim 30**, the combination of Jaeger/IEEE discloses said means for receiving a request for at least one specific content further comprises:

means for receiving a request for at least a portion of at least one of computer processable and network processable data (Jaeger, col. 8, lines 36-46, Fig. 5; IEEE, pg. 590, "I/O transaction" and pg. 1198, "transaction initiation (request)"). *See the citation note for claim 5 above.*

34. **As per claim 31**, the combination of Jaeger/IEEE discloses means for obtaining one or more temporal addresses corresponding to the at least one specific content, in response to the request for the at least one specific content further comprises:

means for associating the specific content with one or more times of one or more transmitted data portions (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 6 above.*

35. **As per claim 37**, the combination of Jaeger/IEEE discloses said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for associating the specific content with at least one absolute time associated with a clock (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 12 above.*

36. **As per claim 38**, the combination of Jaeger/IEEE discloses said means for associating the specific content with at least one absolute time associated with a clock further comprises:

means for associating the specific content with at least one time associated with at least one of an atomic clock, a global clock, a relative clock, a transmitted clock, and/or a number of ticks relative to some specified received data (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 12 above.*

37. **As per claim 39**, the combination of Jaeger/IEEE discloses said means for associating the specific content with at least one absolute time associated with a clock further comprises:

means for associating the specific content with at least one absolute time associated with a transmitted clock (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 12 above.*

38. **As per claim 40**, the combination of Jaeger/IEEE discloses said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for associating the specific content with at least one relative time (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 15 above.*

39. **As per claim 41**, the combination of Jaeger/IEEE discloses said means for associating the specific content with at least one relative time further comprises:

means for associating the specific content with at least one time relative to a received marker (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 16 above.*

40. **As per claim 42**, the combination of Jaeger/IEEE discloses said means for associating the specific content with at least one relative time further comprises:

means for associating the specific content with at least one time of a first and/or second received marker (Jaeger, col. 5, lines 52-54, Fig. 1). *See the citation note for claim 17 above.*

41. **As per claim 43**, the combination of Jaeger/IEEE discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting at least a portion of cyclically transmitted data in response to the one or more temporal addresses (Jaeger, col. 6, lines 49-63, Fig. 2). *See the citation note for claim 18 above.*

42. **As per claim 46**, the combination of Jaeger/IEEE discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having file-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

43. **As per claim 47**, the combination of Jaeger/IEEE discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having disk-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

44. **As per claim 48**, the combination of Jaeger/IEEE discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having tape-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

45. **As per claim 49**, the combination of Jaeger/IEEE discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having substantially static-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

46. **As per claim 50**, the combination of Jaeger/IEEE discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having object-address-to-temporal-address translated data (Jaeger, col. 5, lines 12-20, col. 6, lines 49-63, Fig. 2).

47. Claims 7-11, 19-20, 32-36, and 44-45 are rejected under 35 U.S.C. 103(a) as being obvious over Jaeger in view of IEEE as applied to claims 1, 6, 26, and 31 above, and further in view of Yao et al. (U.S. Patent 5,938,734) (hereinafter "Yao").

48. **As per claim 7**, the combination of Jaeger/IEEE discloses all the limitations of claim 7 except said associating the specific content with one or more times of one or more transmitted data portions further comprises:

consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions.

Yao discloses said associating the specific content with one or more times of one or more transmitted data portions further comprises:

consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions (col. 7, lines 55-65, Fig. 5, element 26).

The combination of Jaeger/IEEE and Yao are analogous art because they are from the same field of endeavor, that being data streaming systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Yao's schedule within Jaeger/IEEE's recording/playback system. The motivation for doing so would have been to provide a real time stream server and a method for operating a real time stream server, capable of realizing a supply of a plurality of real time stream data with different data rates by a scheduling

scheme using constant time-slot interval and transfer start timing period, without wasting a transfer capacity of disk devices (Yao, col. 2, lines 40-46).

49. **As per claim 8**, the combination of Jaeger/IEEE/Yao discloses said consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

consulting a schedule published by at least one of a source controller and/or a source switch controller (Yao, col. 5, lines 28-29, col. 7, lines 55-65, Fig. 3, element 2, Fig. 5, element 26). *It should be noted that the "control device" is analogous to the "source controller."*

50. **As per claim 9**, the combination of Jaeger/IEEE/Yao discloses said consulting a schedule published by at least one of a source controller and/or a source switch controller further comprises:

accepting input of the schedule published by at least one of the source controller and the source switch controller (Yao, col. 7, lines 55-65, Fig. 3, Fig. 5, element 26).

51. **As per claim 10**, the combination of Jaeger/IEEE/Yao discloses said consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

consulting a schedule received from at least one of a source controller and/or a source switch controller (Yao, col. 7, lines 55-65, Fig. 5, element 26).

52. **As per claim 11**, the combination of Jaeger/IEEE/Yao discloses said consulting a schedule received from at least one of a source controller and/or a source switch controller further comprises:

receiving the schedule from a data stream (Yao, col. 7, lines 55-65, Fig. 3, Fig. 5, element 26).

53. **As per claim 19**, the combination of Jaeger/IEEE/Yao discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from a first network and a second network in response to the one or more temporal addresses (Yao, col. 8, lines 65-67, Fig. 6). *It should be noted that "disk-0" is a "first network" and "disk-1" is a "second network." It should also be noted that the "transfer start timings" are analogous to "temporal addresses."*

54. **As per claim 20**, the combination of Jaeger/IEEE/Yao discloses constructing the specific content from data selected from a first network and a second network in response to the one or more temporal addresses (Yao, col. 8, lines 65-67, col. 9, lines 30-32, Fig. 6).

55. **As per claim 32**, the combination of Jaeger/IEEE discloses all the limitations of claim 32 except said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions.

Yao discloses said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions (col. 7, lines 55-65, Fig. 5, element 26).

The combination of Jaeger/IEEE and Yao are analogous art because they are from the same field of endeavor, that being data streaming systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Yao's schedule within Jaeger/IEEE's recording/playback system. The motivation for doing so would have been to provide a real time stream server and a method for operating a real time stream server, capable of realizing a supply of a plurality of real time stream data with different data rates by a scheduling scheme using constant time-slot interval and transfer start timing period, without wasting a transfer capacity of disk devices (Yao, col. 2, lines 40-46).

56. **As per claim 33**, the combination of Jaeger/IEEE/Yao discloses said means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

means for consulting a schedule published by at least one of a source controller and/or a source switch controller (Yao, col. 5, lines 28-29, col. 7, lines 55-65, Fig. 3, element 2, Fig. 5, element 26). *See the citation note for claim 8 above.*

57. **As per claim 34**, the combination of Jaeger/IEEE/Yao discloses said means for consulting a schedule published by at least one of a source controller and/or a source switch controller further comprises:

means for accepting input of the schedule published by at least one of the source controller and the source switch controller (Yao, col. 7, lines 55-65, Fig. 3, Fig. 5, element 26).

58. **As per claim 35**, the combination of Jaeger/IEEE/Yao discloses said means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

means for consulting a schedule received from at least one of a source controller and/or a source switch controller (Yao, col. 7, lines 55-65, Fig. 5, element 26).

59. **As per claim 36**, the combination of Jaeger/IEEE/Yao discloses said means for consulting a schedule received from at least one of a source controller and/or a source switch controller further comprises:

means for receiving the schedule from a data stream (Yao, col. 7, lines 55-65, Fig. 3, Fig. 5, element 26).

60. **As per claim 44**, the combination of Jaeger/IEEE/Yao discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from a first network and/or a second network in response to the one or more temporal addresses (Yao, col. 8, lines 65-67, Fig. 6). *See the citation note for claim 19 above.*

61. **As per claim 45**, the combination of Jaeger/IEEE/Yao discloses means for constructing the specific content from data selected from a first network and/or a second

network in response to the one or more temporal addresses (Yao, col. 8, lines 65-67, col. 9, lines 30-32, Fig. 6).

Response to Arguments

62. Applicant's arguments filed December 1, 2008 with respect to **claims 1-50** have been fully considered but they are not persuasive.

63. With respect to Applicant's argument in section III(B)(1)(a)(1) of the communication filed December 1, 2008, the argument has been considered but is moot in view of the new grounds of rejection above.

64. With respect to Applicant's argument in section III(B)(1)(a)(2) of the communication filed December 1, 2008, the Examiner respectfully disagrees. Applicant's argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Notwithstanding, the Examiner submits that Jaeger's "time stamps" identify the time order of each composite data frame. Therefore, the "temporal addresses", as simply and broadly claimed by Applicant, are disclosed by Jaeger's "time stamps." The Examiner also directs Applicant to the first paragraph on page 10, lines 5-7 of Applicant's specification which state:

"In other alternate implementations, **the time stamps of various packets of data can be used to provide temporal addressing...**" (emphasis added)

Thus, it is also clear from Applicant's own specification that time stamps can be used to provide temporal addressing. Accordingly, based on the foregoing, Jaeger sufficiently discloses obtaining one or more temporal addresses corresponding to the at least one specific content.

65. With respect to Applicant's argument in section III(B)(1)(a)(3) of the communication filed December 1, 2008, the Examiner respectfully disagrees. Applicant's argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Notwithstanding, as can be seen from the cited portions of Jaeger in the rejection above, during initial recording onto to the disk drive, "the recording process generally proceeds by available empty sectors on the disk tracks being recorded on a first-available basis, whereby the audio tracks/signals may be placed on the disk 11 in a disordered manner." Thus, it is clear that the "spatial data", as simply and broadly claimed by Applicant, is disclosed by Jaeger's audio tracks recorded on the disk after the initial recording because the audio tracks were recorded on a first-available empty sector basis. After being re-ordered, "each composite frame is read from the recording system in the order set by the time stamp registry and loaded into the memory (RAM) buffer. Finally, "each composite data frame is disassembled in the buffer, and each temporal segment of each track is routed to a respective output destination." Thus, it is clear that the "spatial-to-temporal translated data", as simply and broadly claimed by

Applicant, is disclosed by Jaeger's audio tracks streamed from the RAM buffer because the audio tracks were originally recorded in a disordered manner onto the disk drive, re-ordered back onto the disk drive, read out from the disk drive based on the order set by their time stamps, and then finally streamed to output devices. Accordingly, based on the foregoing, Jaeger sufficiently discloses selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses.

66. With respect to Applicant's argument in section III(B)(2) regarding dependent claims 2-6, 12-18, and 21-25, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 1 is allowable and therefore for the same reasons dependent claims 2-6, 12-18, and 21-25 are allowable. However, as addressed above, independent claim 1 is not allowable, thus, Applicant's argument with respect to dependent claims 2-6, 12-18, and 21-25 is not persuasive.

67. With respect to Applicant's argument in section III(C)(1)(a)(1) of the communication filed December 1, 2008, the argument has been considered but is moot in view of the new grounds of rejection above.

68. With respect to Applicant's argument in section III(C)(1)(a)(2), the Examiner respectfully disagrees for the same reasons as detailed above in section 65 of the current Office action.

69. With respect to Applicant's argument in section III(C)(1)(a)(3), the Examiner respectfully disagrees for the same reasons as detailed above in section 66 of the current Office action.

70. With respect to Applicant's argument in section III(C)(2) regarding dependent claims 27-31, 37-43, and 46-50, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 26 is allowable and therefore for the same reasons dependent claims 27-31, 37-43, and 46-50 are allowable. However, as addressed above, independent claim 26 is not allowable, thus, Applicant's argument with respect to dependent claims 27-31, 37-43, and 46-50 is not persuasive.

71. With respect to Applicant's argument in section III(D), the argument has been considered but is moot in view of the new grounds of rejection above.

72. With respect to Applicant's argument in section III(E), the argument has been considered but is moot in view of the new grounds of rejection above.

73. With respect to Applicant's argument in section III(E)(1) regarding dependent claims 7-11 and 19-20, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 1 is allowable and therefore for the same reasons dependent claims 7-11 and 19-20 are allowable. However, as addressed above, independent claim 1 is not allowable, thus, Applicant's argument with respect to dependent claims 7-11 and 19-20 is not persuasive.

74. With respect to Applicant's argument in section III(E)(2) regarding dependent claims 32-36 and 44-45, the Examiner respectfully disagrees. The argument relies on the allegation that independent claim 26 is allowable and therefore for the same reasons dependent claims 32-36 and 44-45 are allowable. However, as addressed above, independent claim 26 is not allowable, thus, Applicant's argument with respect to dependent claims 32-36 and 44-45 is not persuasive.

Conclusion

STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, **claims 1-50** have received an action on the merits and are subject of a non-final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571) 272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2185

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arpan Savla/
Examiner, Art Unit 2185
February 13, 2009

/Sanjiv Shah/
Supervisory Patent Examiner, Art Unit
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